



**Statement from  
Most Reverend Paul J. Swain  
Bishop of Sioux Falls  
February 10, 2012**

**On the US Department of Health & Human Services' announced mandate  
requiring employers to offer health insurance coverage for abortion-inducing drugs,  
sterilization and artificial contraception**

Apparently the strong negative reaction these last several weeks by bishops, college presidents, hospital administrators and citizens at large to the HHS regulation requiring religious institutions to pay for abortion inducing drugs, artificial contraception and sterilization, all in violation of Catholic Church teachings, has gotten the attention of the administration. I thank all in our diocese who have contacted the administration and Congress for raising the issue to this high profile.

Skeptics may wonder whether this latest regulation is an attempt to accomplish the same purpose indirectly. The United States Conference of Catholic Bishops will study the President's announced new approach to clarify what is really being proposed. The cleanest way to address this controversy and put it to rest is to grant a clear religious exemption as other laws and regulations have done for many years. The fact that the administration chose not to do so must raise concern.

The core issue is not about mandates for religious organizations to pay for access to artificial contraception, though that is important. The greater issue is the threat by the administration to use its delegated power to condition the right to freedom of religion and its free exercise, and the right to free exercise of conscience, all protected by the First Amendment to the United States Constitution. Ultimately that issue may only be settled by congressional legislation or by the courts, maybe both. Regulations can come and go in an instant, as we have just seen; constitutional law protects over time and from any administration.

The First Amendment was passed in part because of the concern that there were insufficient protections against the arbitrary use of government power to limit freedom of religion, speech, the press and others. The Founders experienced that first hand. May we be adequately protected from it.